

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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DARRELL GUNN,

Plaintiff,

**DECLARATION OF  
CHAD BESCHLER**

-VS-

**16-CV-6206**

CHAD BESCLER, et al.,

Defendants.

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**CHAD BESCHLER**, pursuant to 28 U.S.C. §1746, declares under penalty of perjury under the laws of the United States of America that the foregoing is true and correct:

1. I have been employed by the New York State Department of Corrections and Community Supervision (DOCCS) for approximately 13 years, and I have been assigned to Elmira Correctional Facility (“Elmira”) for the past 11 years. In September 2019, I was promoted to corrections sergeant.

2. I respectfully submit this declaration in support of Defendants’ Motion for Summary Judgment, and I make the statements herein based on my personal knowledge or based upon documents that have been created by, provided to, and/or reviewed by me.

3. As of March 29, 2013, my daily job duties included conducting random searches of inmates for contraband, including occasionally operating a hand-held metal detector.

4. It is my understanding that plaintiff claims that I failed to intervene when Correction Officer Perry sexually assaulted him during a pat frisk of him on March 29, 2013.

5. Although I do not recall the specifics of that pat frisk, I certainly did not see C.O. Perry penetrate plaintiff’s rectum through his clothing or otherwise sexually assault him.

6. I do not recall hearing plaintiff ask for C.O. Perry's name after the pat frisk on March 29, 2013, but inmates do sometimes ask for officers' names and even their badge numbers. Even if I had heard plaintiff ask that, I would not have known that he was going to report C.O. Perry for sexual assault. Most of the time when an inmate asks for an officer's name, they are just doing it to try to get under the officer's skin.

7. It is my understanding that plaintiff claims I retaliated by kicking him, practically tripping him, as he walked back to his cell.

8. I do not recall having any such contact with plaintiff, and I definitely did not kick him. If I had any contact with plaintiff as he walked by me, it would have been unintentional and unrelated to anything he said.

9. Even if I had known that plaintiff planned to file a grievance against Officer Perry, I would not have used force on him for it. Responding to grievances is an ordinary part of being a correction officer.

10. I did not intentionally use force or retaliate against plaintiff on March 29, 2013, and I did not see any other officers use excessive force on him.

11. I respectfully request the claims against me be dismissed.

[Signature Page Follows]

Dated: February 17, 2021  
Elmira, New York

s/ Chad Beschler  
CHAD BESCHLER

## CERTIFICATE OF SERVICE

I certify that on February 18, 2021, I electronically filed the foregoing Declaration of Beschler with the Clerk of the District Court using CM/ECF system, which sent notification of such filing to the following:

1. n/a

And, I hereby certify that I have mailed, by the United States Postal Service, the document to the following non-CM/ECF participant(s):

1. **Darrell Gunn**  
03-B-2443  
SING SING CORRECTIONAL FACILITY  
354 Hunter Street  
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